

Taking stock: Tunisia's transitional justice*

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1 INTRODUCTION

Unlike its neighbours, Tunisia has undergone an active transitional justice process since a massive uprising ousted its president in 2011. It has, however, had to grapple with some serious challenges and setbacks, mainly driven by the political leadership and Tunisian elites, who have attempted to limit the reach of Tunisia's reckoning with the past. Law has served as a prominent platform on which competing visions for transitional justice have been sought. The highly controversial 'administrative reconciliation law', passed in September 2017, grants amnesty to civil servants guilty of corruption.¹ The Tunisian political leadership, which initiated and pushed for this law, pursues such legal manoeuvres for the alleged purpose of turning the page on the past and reviving the Tunisian economy. However, it has been met with strong opposition, mainly from Tunisian civil society and those who have suffered economic marginalisation for decades. Despite these challenges, the transitional justice process in Tunisia has allowed for a focus on certain past grievances that were unaddressed for many years. The Truth and Dignity Commission (TDC) has been at the centre of this process.

This article argues that in Tunisia's ongoing transition where institutional reform is incomplete, a transitional justice process should still be pursued. The benefits of pursuing a transitional justice process, in a context that is not immediately conducive to it, are three-fold. First, difficult issues concerning accountability, justice, and the search for truth remain dominant in public debate circles. This is important as it ensures a continuous exchange of views, however contentious, between those directly impacted by crimes of the past and those with decision-making power at the political level. Secondly, Tunisia's transitional justice process has allowed for a renewed focus on atrocities

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¹ Loi organique n 2017-62 du 24 octobre 2017, relative a la réconciliation dans le domaine administratif, available at <<http://www.legislation.tn/sites/default/files/news/tf2017621.pdf>> (accessed on 1 April 2018).

of the pre-transition period. The iconic torture cases of Faysal Barakat and the Baraket Essahel incident are two powerful examples of how Tunisia's pursuit of transitional justice, however fraught, has provided a public platform for truth seeking and reconciliation not just for crimes of the transition itself, but of the decades leading up to it as well. Finally, Tunisia's transitional justice process has demonstrated the powerful linkages between corruption and economic crimes and civil and political rights violations, thereby reasserting the importance that transitional justice addresses structural conflict as well as violations committed at the human rights level.

Following a brief overview of the unfolding of Tunisia's transitional justice process, this article will then address each of the three arguments above through a critical analysis of key developments since 2011. While the literature on transitional justice in Tunisia is still in its early stages, critical transitional justice scholarship provides a useful framework to examine the merits as well as the risks involved in pursuing transitional justice in a non-paradigmatic context.² There is an underlying presumption in the literature that transitional justice can only be pursued once a state has transitioned from violent, authoritarian rule to liberal, democratic rule. Tunisia's transition, although often hailed as the only success story out of all the Arab

² See Francesco Cavatorta and Rikke Hostrup Haugbolle 'The End of Authoritarian Rule and the Mythology of Tunisia under Ben Ali' (2012) 17 *Mediterranean Politics* 179; Christopher K Lamont and Hannah Pannwitz 'Transitional Justice as Elite Justice? Compromise Justice and Transition in Tunisia' (2016) 7 *Global Policy* 278; Eric Gobé and Lena Salaymeh 'Tunisia's "Revolutionary" Lawyers: From Professional Autonomy to Political Mobilization' (2016) 41 *Law and Social Inquiry* 311; Simon Robins 'Mapping a Future for Transitional Justice by Learning from its Past' (2015) 9 *International Journal of Transitional Justice* 181; Paul Gready and Simon Robins 'From Transitional to Transformative Justice: A New Agenda for Practice' (2014) 8 *International Journal of Transitional Justice* 339. See also Thomas Obel Hansen 'Transitional Justice: Toward a Differentiated Theory' (2011) 13 *Oregon Review of International Law* 1; Habib Nassar 'Transitional Justice in the Wake of the Arab Uprisings: Between Complexity and Standardisation' in Kirsten J Fisher & Robert Stewart (eds) *Transitional Justice and the Arab Spring* (2014) 51; M Cherif Bassiouni 'Editorial' (2014) 8 *International Journal of Transitional Justice* 325; Christine Bell, Colm Campbell and Fionnuala Ni Aolain 'Justice Discourses in Transition' (2004) 13 *Social and Legal Studies* 305; Catherine Turner *Violence, Law and the Impossibility of Transitional Justice* (2016); Rosemary Nagy 'Transitional Justice as global Project: Critical Reflections' (2008) 29 *Third World Quarterly* 275; Susanne Buckley-Zistel, Teresa Koloma Beck, Christian Braun & Friederike Mieth (eds) *Transitional Justice Theories* (2014); Vasuki Nesiah 'The Trials of History: Losing Justice in the Monstrous and the Banal' in Ruth Buchanan & Peer Zumbansen (eds) *Law in Transition: Human Rights, Development and transitional Justice* (2014).

Spring cases,³ nevertheless falls outside of this paradigmatic category of democratic transitions.⁴

The emergence of the *anciens nouveaux*, or the political old guard, in Tunisia's nine successive governments since 2011 has directly influenced the course of transitional justice in Tunisia.⁵ At the helm of these *anciens nouveaux* is President Beji Caid Essebsi, who hails from both the regime of the first post-independence president, Habib Bourguiba, and that of his successor, Zine El Abidine Ben Ali. Essebsi appointed several Ben Ali regime officials to influential positions in his government, all while repeatedly calling on Tunisians to turn the page on the past by steering away from criminal accountability and towards so-called economic revival.⁶ The next section reviews such events that have left their mark on transitional justice in Tunisia since 2011.

2 KEY DEVELOPMENTS IN TUNISIA'S TRANSITIONAL JUSTICE: 2011-2018

Following the ouster of former President Ben Ali in January 2011, criminal accountability for corruption, economic crimes, torture and murder figured prominently in the demands of Tunisian civil society.⁷ Prosecutions of former high-level government officials, including Ben Ali and several ministers, took place in military tribunals. Ben Ali fled to Saudi Arabia in January 2011. Calls for his extradition back to Tunisia were ignored. As a result, all of his trials were conducted in absentia. Several trials saw Ben Ali along with many other defendants charged with corruption, financial and human rights crimes. The defendants included former interior ministers, several high and mid-level state security officers, and police officers. The majority of the human rights charges, such as murder of protesters and attempted murder, pertained

³ See, for example, Boston Globe 'Tunisia Becomes a Beacon of Hope', available at <<https://www.bostonglobe.com/opinion/editorials/2015/02/16/tunisia-becomes-beacon-hope/q4ZJ0VuX6LljqmYXj4pK/story.html>> (accessed on 1 April 2018); Middle East Eye 'Tunisia Polls Offer Arab Spring Ray of Hope', available at <www.middleeasteye.net/news/tunisia-polls-offer-arab-spring-ray-hope-1988403914> (accessed on 1 April 2018).

⁴ Noha Aboueldahab *Transitional Justice and the Prosecution of Political Leaders: A comparative study of Egypt, Libya, Tunisia and Yemen* (2017).

⁵ Hèla Yousfi, Wejdane Majeri, Choukri Hmed, Sonia Djelidi and Shiran Ben Abderrazak 'En Tunisie, le retour de l'ancien regime n'est pas une rumeur', available at <www.liberation.fr/debats/2014/11/21/en-tunisie-le-retour-de-l-ancien-regime-n-est-pas-une-rumeur_1147107> (accessed on 1 April 2018).

⁶ Elissa Miller and Katherine Wolff 'Will Tunisia's Economic Reconciliation Law "Turn the Page"?', available at <<http://www.atlanticcouncil.org/blogs/menasource/will-tunisia-s-economic-reconciliation-law-turn-the-page>> (accessed on 1 April 2018).

⁷ Noha Aboueldahab 'Navigating the Storm: Civil Society and Transitional Justice in the Arab Region' in Hugo van der Merwe & Jasmina Brankovic (eds) *Advocating Transitional Justice in Africa: The role of civil society* (2018).

to crimes committed during the uprising of December 2010 and January 2011. Ben Ali was sentenced to 66 years in prison for graft, corruption, and illegal possession of weapons and drugs. He was also sentenced to life in prison in June 2012 for complicity in the wilful murder and attempted murder of protesters during the uprising. Ben Ali and his colleagues received further convictions for additional charges.⁸ Many however, were issued questionable acquittals, or had their sentences significantly reduced.

A transitional justice law was passed in 2013, after which a truth commission, called the Truth and Dignity Commission (TDC), was established.⁹ The TDC has received over 65,000 complaints since 2014, and heard thousands of testimonies detailing the horrors of atrocities committed since Tunisian independence in 1956.¹⁰ November 2016 marked the start of a series of televised public hearings at the TDC, which triggered a lively national debate about reckoning with the painful past.¹¹ The TDC's mandate includes the establishment of specialized chambers to prosecute certain individuals accused of crimes committed over a period of nearly 60 years in Tunisia.¹² However, as the TDC nears the expiration of its mandate in 2018, only one case was transferred to these chambers.¹³ The TDC's president, Sihem Bensedrine, has also been the target of allegations of corruption by members of the Essebsi government as well as former members of the TDC.¹⁴ Some are also frustrated with what they view as unnecessarily lengthy procedures at the TDC. As of March 2017, only 21,000 cases were closed. Bensedrine, however, underscores that the TDC has had to struggle with a low budget and that many of its tasks require lengthy bureaucratic procedures, made more difficult as a result

⁸ N Aboueldahab *Transitional Justice and the Prosecution of Political Leaders: A comparative study of Egypt, Libya, Tunisia and Yemen* (2017).

⁹ 'Organic Law on Establishing and Organising Transitional Justice', available at <<http://www.ohchr.org/Documents/Countries/TN/TransitionalJusticeTunisia.pdf>> (accessed on 1 April 2018).

¹⁰ International Centre for Transitional Justice 'Tunisian Commission Receives 1000s of Human Rights Complaints', available at <<https://www.ictj.org/news/tunisian-commission-receives-1000s-human-rights-complaints>> (accessed on 1 April 2018). The TDC's mandate extends to 1955, the year before independence.

¹¹ International Centre for Transitional Justice 'Revolutionary Truth: Tunisian Victims Make History on First Night of Public Hearings for TDC', available at <www.ictj.org/news/tunisia-truth-dignity-public-hearings-live> (accessed on 1 April 2018).

¹² Article 8 of the Organic Law on Establishing and Organizing Transitional Justice, available at <<http://www.ohchr.org/Documents/Countries/TN/TransitionalJusticeTunisia.pdf>> (accessed on 1 April 2018).

¹³ Human Rights Watch 'Tunisia: Parliament Shouldn't Undercut Transitional Justice', available at <https://www.hrw.org/news/2018/03/23/tunisia-parliament-shouldnt-undercut-transitional-justice> (accessed on 1 April 2018).

¹⁴ Fatim-Zohra El Malki 'Tunisia's Partisan Path to Transitional Justice', available at <<http://carnegieendowment.org/sada/68206>> (accessed on 1 April 2018).

of an uncooperative government.¹⁵ In March 2018, these tensions culminated in the dramatic parliamentary vote against the extension of the TDC's mandate.¹⁶

3 THE PAINFUL PAST: A PUBLIC DEBATE

The TDC and proponents of transitional justice in Tunisia faced a new threat to their search for truth, accountability, and justice when Essebsi proposed a reconciliation bill in 2015. This law, which was revised under great pressure and subsequently passed in September 2017, grants amnesty to civil servants accused of corruption, who are then required to return their ill-gotten gains to the state. This is an ostensible attempt to revive the Tunisian economy and, as Essebsi publicly urged Tunisians previously, to turn the page on the past.¹⁷ The so-called 'administrative reconciliation law' effectively created a transitional justice process that runs counter to the TDC's mandate and to the Tunisian constitution. The law stirred great controversy and gave rise to civil society movements, such as the Manich Msameh ('I will not forgive') campaign, as well as the more recent #Fech_Nestanneh ('What are we waiting for') campaign.¹⁸ Thousands of activists, journalists, lawyers, victims, and frustrated youth have repeatedly taken to the streets to demonstrate against the enactment of laws they view as unjust as well as against continued economic inequality, low income, and high unemployment. The Finance Act, which came into force on 1 January 2018, was the latest such legal move which triggered widespread protests as it resulted in austerity measures that raised the price of basic food and goods, further disadvantaging Tunisia's poor.¹⁹

The current Tunisian government has had a direct impact on the course of transitional justice. The Essebsi government has aimed to

¹⁵ Olfa Belhassine "'Just Let Us Work in Peace" says Tunisia Truth Commission Head', available at <<https://www.justiceinfo.net/en/justice-reconciliation/26232-just-let-us-work-in-peace,-says-tunisia-truth-commission-head.html>> (accessed on 1 April 2018).

¹⁶ International Centre for Transitional Justice 'ICTJ and Victims' Coalition for Dignity and Rehabilitation Urge Extension of Truth Commission's Work', available at <<https://www.ictj.org/news/ictj-and-victims-coalition-dignity-and-rehabilitation-urge-extension-truth-commission-s-work>> (accessed 1 April 2018).

¹⁷ Eric Reidy, 'Tunisia Transitional Justice Faces Obstacles', available at <<http://www.aljazeera.com/news/middleeast/2014/12/tunisia-transitional-justice-face-obstacles-20141228112518476386.html>> (accessed on 1 April 2018).

¹⁸ Manich Msamah Facebook Page, available at <<https://www.facebook.com/manichmsame7/>>; Jillian Kestler-D'Amours 'Q&A: Tunisia's Protest Leaders Vow to Keep Up Pressure', available at <<http://www.aljazeera.com/news/2018/01/qa-tunisia-protest-leaders-vow-pressure-180114072916448.html>> (accessed on 1 April 2018).

¹⁹ Noha Aboueldahab 'Unrest in Tunisia: Another Turning Point in a Legacy of Economic Injustice' *Order from Chaos*, available at <<https://www.brookings.edu/blog/order-from-chaos/2018/01/29/unrest-in-tunisia-another-turning-point-in-a-legacy-of-economic-injustice/>> (accessed on 1 April 2018).

limit the reach of the TDC in at least two ways. First, it blocked the TDC's access to presidential archives, which may contain evidence of government officials' responsibility for past crimes. Following a lawsuit filed by the TDC against the presidency, the archives became accessible, but not the interior ministry archives.²⁰ The president of the TDC, Sihem Bensedrine, noted that the difficulties in accessing such information presented a major obstacle to the work of the TDC 'because the police were the spine that supported the dictatorial system'.²¹ Secondly, the Essebsi government passed the controversial administrative reconciliation law, in violation of the TDC's mandate and the Tunisian constitution. This law created a parallel transitional justice process that effectively stripped the TDC of one of its primary responsibilities – to expose and account for corruption at all levels – to the greatest extent possible. In a high-profile testimony by Imed Trabelsi in May 2017, Tunisians were shocked as they listened for the first time to the ways in which corruption was carried out during the Ben Ali-years.²² Trabelsi is the nephew of Leila Trabelsi, Ben Ali's wife, and a former influential businessman. The revised administrative reconciliation law should not prevent such testimonies by high-level officials from being heard. The automatic amnesty granted to the civil servants who also participated in corruption undermines the TDC's work. Given the structural nature of corruption and economic crimes, the Essebsi government has essentially amputated a large part of the story by burying potential testimonies under the guise of economic revival.

The concurrent and contradictory streams of transitional justice unfolding in Tunisia have, nevertheless, ensured that the issues of accountability, justice, truth-seeking and reconciliation remain dominant in public debate circles. Despite the logistical, financial, and political challenges faced by the TDC, it continues to serve as a public platform for testimonies that recount stories of torture, marginalisation, and other abuses. Demonstrations, strikes, and sit-ins continue to serve as a powerful means to express dissatisfaction with government policies, including those having to do with clamping down on transitional justice. This is important as it ensures a continuous exchange of views, however contentious, between those directly impacted by crimes of the past, and those with decision-making power at the political level.

²⁰ Christopher Lamont and Hannah Pannwitz 'Transitional Justice as Elite Justice? Compromise Justice and Transition in Tunisia' (2016) 7 *Global Policy* 278, 281.

²¹ Sihem Bensedrine quoted in 'Tunisia Struggles to Hold Former Regime to Account', available at <www.ft.com/content/501f8704-d34a-11e5-8887-98e7feb46f27> (accessed on 1 April 2018).

²² Carlotta Gall 'Corruption Crackdown Intensifies in Tunisia, and the People Cheer', available at <<https://www.nytimes.com/2017/06/25/world/africa/corruption-crackdown-intensifies-in-tunisia-and-the-people-cheer.html>> (accessed on 1 April 2018).

4 RECKONING WITH LEGACIES OF TORTURE: THEN AND NOW

Tunisia's transitional justice process has allowed for a renewed focus on certain open wounds of the past. The iconic torture cases of Faysal Barakat and Baraket Essahel are two powerful examples of how Tunisia's pursuit of transitional justice, however fraught, has provided a public platform for truth-seeking and reconciliation. These two contrasting cases emphatically demonstrate that the atrocities of both the Bourguiba- and Ben Ali-eras will not go unaddressed, so long as the current momentum for transitional justice continues. They also present a fascinating example of how cases that began as 'ordinary justice' cases have transformed into 'transitional justice' cases.²³ This section examines the implications of Faysal Barakat and Baraket Essahel as iconic cases with contrasting outcomes.

Abdallah Qallel was Minister of Interior in Tunisia from 1991 to 1995. In 2001, while undergoing heart surgery in a Geneva hospital, Abdennacer Nait-Liman filed a complaint with the prosecutor in Geneva. Nait-Liman was tortured in a Ministry of Interior detention cell in Tunisia in 1992, following a violent crackdown by security forces on an alleged coup plot in 1991. Over 240 members of the Tunisian military suspected of ties with the Islamist opposition party Ennahda were detained and tortured by interior ministry officials, who claimed that the military was planning a coup to overthrow Ben Ali and his regime. This case became known as Baraket Essahel, named after the town in which the alleged coup plot took place in 1991. But Abdallah Qallel fled to Switzerland before the police were able to arrest him.

The Baraket Essahel case remained dormant until 2011, when 17 victims of the crackdown – mainly mid-ranking military officers – filed a case against Abdallah Qallel, Ben Ali and 12 other government and security officials for their alleged role in the torture of those detained in Baraket Essahel. The permanent Military Court of Tunis sentenced Abdallah Qallel, Ben Ali and several others to four years in prison in November 2011. In April 2012, these sentences were reduced by half. In 2014, Qallel and his colleagues were freed when an appeals court reduced their sentences again to time served.²⁴

Moncef Marzouki, who was President of Tunisia in 2012, delivered an official state apology to the victims of Baraket Essahel. It is worth mentioning that Moncef Marzouki was an outspoken human rights activist during the Ben Ali-years. In June 2014, a law was enacted to elevate the ranks of the Baraket Essahel officers to where they would

²³ Jonathan Doak 'Enriching Trial Justice for Crime Victims in Common Law Systems: Lessons from transitional environments' (2015) 21 *International Review of Victimology* 139.

²⁴ N Aboueldahab *Transitional Justice and the Prosecution of Political Leaders: A comparative study of Egypt, Libya, Tunisia and Yemen* (2017).

have been had they not been stripped of their positions 23 years earlier. As Sharan Grewal put it: 'For the officers of the Baraket Essahel affair, perhaps more so than for other Tunisians, the revolution has truly brought transitional justice.'²⁵

This is in stark contrast to the case of Faysal Barakat, a 25-year-old student, who was a member of the Ennahda party. In 1991, Faysal criticised the Tunisian government in a televised interview. He was detained and tortured to death later that day. The police said he died in a car accident but witnesses, at the same police station, provided testimonies to Amnesty International, in which they described Faysal's screams as he was tortured for hours. They said he was found 'slumped in a corridor, unconscious, his body contorted in the position used in the "roast chicken" torture method – where the victim is tied to a horizontal pole with hands and feet crossed over and tied together. His face was bruised, and he had cuts around the eyes.'²⁶

The UN Committee Against Torture requested the exhumation of Faysal's body in 1999, but it wasn't carried out until 14 years later in March 2013, and it wasn't until December 2016 when a Tunisian court issued 21 indictments for torture in the case of Faysal Baraket. At the same time, Faysal Barakat's brother, Jamel, gave a public testimony at the TDC, thereby drawing renewed attention to the fate of his brother and the unresolved search for accountability. The case has been repeatedly stalled since the 21 indictments were issued in December 2016. This stalling of Faysal Barakat's case is a reminder of the influence political leaderships wield on the course of criminal justice in Tunisia.

The multiple – and questionable – acquittals of senior government officials combined with the highly controversial reconciliation law that grants immunity from prosecution for corruption all point to the impact of the emergence of the *anciens nouveaux* – the old guard which has morphed into the post-transition governments – on transitional justice in Tunisia. The power of the Baraket Essahel state apology, followed by the legal measures undertaken as a form of reparative justice for the victims, lies in the acknowledgement of an iconic case that symbolized a legacy of torture. While the Faysal Barakat case has not yet concluded, its re-emergence more than 25 years since Faysal's death nevertheless signifies how difficult it will be for such iconic cases, that dot a decades-long legacy of torture, to be erased from Tunisian collective memory. Tunisia's post-2011 transitional justice process has

²⁵ Sharan Grewal 'A Quiet Revolution: The Tunisian Military After Ben Ali', available at <<http://carnegie-mec.org/2016/02/24/quiet-revolution-tunisian-military-after-ben-ali-pub-62780>> (accessed on 1 April 2018).

²⁶ Bénédicte Goderieaux 'Tunisia: 25 Years On, No Sign of Justice for Faysal Baraket's Death Under Torture', available at <<https://www.amnesty.org/en/latest/news/2016/10/tunisia-25-years-on-no-sign-of-justice-for-faysal-barakets-death-under-torture/>> (accessed on 1 April 2018).

served as both a public platform for the airing of the gruesome details of past atrocities, while also drawing attention to the fact that many of these cases continue to linger in opaque judicial chambers.

5 THE SOCIAL JUSTICE ROOTS OF TUNISIA'S TRANSITIONAL JUSTICE

Tunisia's transitional justice process has demonstrated the intricate linkages between corruption and economic crimes, and civil and political rights violations. In doing so, it has reasserted the importance of addressing structural conflict as well as violations committed at the human rights level within a transitional justice framework. Tunisia's human rights movement itself is grounded in the struggle against economic inequality and marginalization. A strike in 1978 triggered the formation of an organised civil society movement that sought better working conditions, benefits, an increase in the minimum wage, and an easing of high unemployment. Collective calls to address these demands were made in a series of powerful mini-uprisings over the course of decades that ultimately led to the 2010-2011 massive anti-government uprising that ousted Ben Ali. The bread riots of 1984, the Gafsa revolt of 2008, and all the workers strikes and sit-ins that took place in between, are just a few examples that represent the daily struggle for economic justice, especially for the interior regions of Tunisia, which have historically and systematically been marginalised in comparison to the coastal regions.

This struggle, however, is only part of the story. Corruption and economic crimes were perpetrated in concurrence with, or indeed through the perpetration of, civil and political rights abuses. The right to freedom of expression, the right to assemble, and the right to freedom from torture and arbitrary detention were all systematically violated under both the Bourguiba and Ben Ali regimes. The Ben Ali regime in particular propped itself up through mass corruption and economic crimes by severely oppressing swathes of the population who voiced their dissatisfaction with the dire state of economic inequality. The lavish lifestyles of the Ben Ali and Trabelsi families, funded by ill-gotten funds, are just one example of the ways in which corruption upheld the authoritarian regime.²⁷

Tunisian labour unions and workers' movements, combined with protesters' demands for social justice during the uprising constituted major factors that ensured Ben Ali and others would be tried for corruption. Scholars have long criticized the tendency of transitional justice practitioners to address civil and political rights violations at the

²⁷ Eileen Byrne 'Tunisia struggles to trace Up To 11bn hidden abroad by Ben Ali regime', available at <<https://www.theguardian.com/world/2012/jan/13/tunisia-11bn-hidden-funds-ben-ali>> (accessed on 1 April 2018).

expense of addressing economic violence. Sharp describes economic violence as the 'blind spot of transitional justice'.²⁸ In her discussion on Egypt, Abou-El-Fadl notes that conventional transitional justice falls short of addressing the ousted regime's violation of social and economic rights.²⁹ But the daily visibility of corruption and unequal access to economic resources is a major factor in the way Tunisia, and other parts of the Arab region, conceptualise injustice. The corruption-heavy charges in the trials that have already taken place, and the continued pre-occupation with the question of granting amnesty to corrupt officials for the purposes of economic reconciliation, demonstrate that Tunisia is beyond the recent debates calling for the merging of the two sets of rights in transitional justice mechanisms.³⁰

6 CONCLUSION

It is difficult to imagine a rigorous public debate surrounding questions of justice, accountability and reconciliation without a transitional justice process in place. The tug of war regarding criminal accountability between the governing elites and civil society – neither of which, of course, holds homogenous views – has enhanced the debate about how Tunisians wish to reckon with their painful past. In the context of an ongoing transition, whereby influential figures from the old guard have morphed into the post-transition governments, such questions are all the more complex and pertinent to a society reeling from decades of oppression. It remains to be seen how justice expectations will evolve over time.

Moreover, Tunisia's transitional justice process has served as an effective mechanism through which iconic torture cases of the past were revived and addressed in a highly public manner. The state apology for victims of the Baraket Essahel incident and the ongoing case of Faysal Barakat are both powerful demonstrations of the importance of having a transitional justice mechanism in place to advance the search for truth and reparations for the multiple legacies of atrocities in the pre-transition period, as well as for those committed during the transition itself. Finally, Tunisia's transitional justice process has emphatically demonstrated the intricate linkages of corruption and

²⁸ Dustin N Sharp 'Addressing Economic Violence in Times of Transition: Toward a Positive-Peace Paradigm for Transitional Justice' (2012) 35 *Fordham International Law Journal*.

²⁹ Reem Abou-El-Fadl 'Beyond Conventional Transitional Justice: Egypt's 2011 Revolution and the Absence of Political Will' (2012) 6 *International Journal of Transitional Justice* 318.

³⁰ N Aboueldahab *Transitional Justice and the Prosecution of Political Leaders: A comparative study of Egypt, Libya, Tunisia and Yemen* (2017). See also Paul Gready and Simon Robins 'From Transitional to Transformative Justice: A New Agenda for Practice' (2014) 8 *International Journal of Transitional Justice* 339.

socio-economic rights with civil and political rights. As protests against economic policies and the clampdown on freedom of expression continue, it is crucial to re-think if and how transitional justice can serve as an adequate mechanism through which such grievances can be addressed.